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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 22 March 2018 from the Permanent Mission of Slovakia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Slovakia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit the report of the Slovak Republic on the implementation of Security Council resolution 2397 (2017), in order to inform the Committee of the steps taken by the Government of Slovakia to implement the resolution (see annex).

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Annex to the note verbale dated 22 March 2018 from the Permanent Mission of Slovakia to the United Nations addressed to the Chair of the Committee

Report of Slovakia on the implementation of Security Council resolution 2397 (2017)

Slovakia and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2397 (2017), by taking the following common measures:[1]

(a) Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Council Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and one additional entity (travel ban and asset freeze);

(b) Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Implementing Decision (CFSP) 2018/16;

(c) Council Decision (CFSP) 2018/293 of 26 February 2018 amending Council Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the measures contained in Security Council resolution 2397 (2017) by imposing the following measures:

- The European Union had already introduced a full prohibition on the export of crude oil in Council Decision (CFSP) 2017/1860 of 16 October 2017, with the possibility of exemptions for exports for humanitarian purposes, if approved in advance, on a case-by-case basis, by the Committee. In Council Decision (CFSP) 2018/293, it is further specified that the prohibition applies to the direct or indirect supply of all crude oil to the Democratic People's Republic of Korea, whether or not originating in the territories of the member States, including by means of pipelines, rail lines or vehicles;
- The European Union had already introduced a full prohibition on the export of all refined petroleum products in Council Decision (CFSP) 2017/1860, which included a provision that the export of refined petroleum products could be authorized by the competent authority of a member State for humanitarian purposes under the conditions mentioned in paragraph 14 of Security Council resolution 2375 (2017). In Council Decision (CFSP) 2018/293, it is now further specified that the amount of refined petroleum products authorized for export to the Democratic People's Republic of Korea cannot exceed 500,000 barrels per year and that the means of export include pipelines, rail lines or vehicles;
- Prohibition on importing food and agricultural products, machinery, electrical equipment, earth and stone (including magnesite and magnesia), wood and vessels;
- Prohibition on the acquisition of fishing rights from the Democratic People's Republic of Korea;

[1] All common measures are published in the *Official Journal of the European Union*.

- Prohibition on exporting all industrial machinery, transportation vehicles, iron, steel and other metals, unless it has been determined by a member State that the provision of spare parts is needed to maintain the safe operation of passenger aircraft of the Democratic People's Republic of Korea;

- Obligation to repatriate to the Democratic People's Republic of Korea immediately, and no later than 21 December 2019, all nationals of that country earning income in the jurisdiction of a member State and all government safety oversight attachés of the Democratic People's Republic of Korea who are monitoring its workers abroad, unless certain exceptions apply, subject to applicable national and international law;

- Obligation for member States to seize, inspect and impound any vessel in their ports and the power to seize, inspect and impound any vessel subject to their jurisdiction in their territorial waters where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea. Under certain conditions, the provisions for the impounding of vessels shall cease to apply;

- Obligation to cooperate as promptly as possible with another State which has information that leads it to suspect that the Democratic People's Republic of Korea is attempting to export illicit cargo and where that other State requests additional maritime and shipping information;

- Prohibition on providing insurance or reinsurance services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless the Committee has determined, on a case-by-case basis, that the vessel is engaged in activities only for livelihood or humanitarian purposes;

- Obligation to deregister any vessel where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea;

- Prohibition on providing classification services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless approved in advance by the Committee on a case-by-case basis;

- Prohibition on registering any vessel that has been deregistered by another State unless approved by the Committee in advance on a case-by-case basis;

- The prohibition on exporting new or used vessels had already been introduced in Council Decision (CFSP) 2017/345;

- Obligation to seize and dispose of items the export of which is prohibited under resolution 2397 (2017);

- Prohibition on satisfying any claim in connection with any contract or transaction the performance of which has been affected by the measures provided for in resolution 2397 (2017);

(d) Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2018/293.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Under Council

Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007, member States are required to determine the penalties applicable to infringements of the provisions of the Regulations.

The penalties determined by Slovakia are set out in article I, sections 21 to 23 of Act No. 289/2016 Coll. (as amended), on the execution of international sanctions, and other relevant legal acts.

The competent authorities of the Slovak Republic for the execution of sanctions are stipulated by article I, section 4, of Act No. 289/2016 Coll. (as amended), with reference to their responsibilities and competences pursuant to Act No. 575/2001 Coll. on the organization of Government activities and on the organization of central State administration.

Act No. 289/2016 Coll. as amended, also sets out certain obligations for natural and legal persons. It allows for the streamlining the process of the freezing of funds and introduces a comprehensive procedure for the freezing and unfreezing of assets.

As regards restrictions on admission (visa ban), Act No. 404/2011 on the residence of aliens and on the amendment of several acts, together with Council Decision (CFSP) 2016/849 and Council Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa. Act No. 404/2011 governs the conditions for the entry and stay of foreign nationals in Slovakia. The Act regulates, inter alia, the scope of activities of public authorities in the area of visas, conditions for the entry of aliens into the territory of the Slovak Republic, conditions of residence, the issuance of documents for aliens, the registration of persons and residence control, administrative expulsion and bans on entry, the detention of third-country nationals and their placement into facilities, and the air transit of third-country nationals through the territory of the Slovak Republic.

The entry of vessels into public ports is regulated by article 5 of Act No. 338/2000 Coll. on inland navigation and on amendments of several acts. The transport authority has responsibilities relating to the prohibition of entry of vessels into public ports.